

Hamilton County Plan Commission

June 08, 2004

Mr. Habig called the official meeting of the Hamilton County Plan Commission to order at 7:37 p.m.

Members Present: Jim Galloway, Frank Habig, David Musselman, Bill Rice, Steve Schwartz, and Kent Ward. Absent: Steve Holt and Linda Williams. Arriving late: Ron Hall. Also present: Charles Kiphart, Director; Randy Leerkamp, Legal Counsel; and Linda Burdett, Secretary.

Declaration of Quorum: Mr. Habig declared a quorum with six out of nine members present.

Guests: See sign-in sheet.

Communications/Reports: Mr. Kiphart stated nothing right now.

Mr. Habig asked if everyone had received the minutes for last month's meeting and asked if there were any corrections.

Mr. Rice **moved to approve.**

Mr. Ward seconded.

With no changes or corrections... Mr. Habig called for the vote. **6 yes votes... 0 no votes.**

Public Comment: Mr. Habig opened the floor to anyone wishing to address the board. And with no one stepping forward... Mr. Habig continued the meeting.

Correspondence: Mr. Kiphart passed the information to the board while the meeting continued.

President's Report: Mr. Habig stated he had nothing.

New Business: Mr. Habig identified with a Land Use Variance with a recommendation to the North BZA. **NBZA-L.U.V.-0009-06-2004** concerning the use of a residential building for offices.

Terry Monday stated his name for the record. I am the attorney for Mark & Beth Newport of Newport Outlet Stores. We have developed an over-flow of office staff with the constant growth of Newport's into new markets. We need offices to put staff into. It is a residential structure but it is surrounded on three sides by C-2P. This is very consistent with the comprehensive plan for the area. It is consistent with the use of the property in that area. We have talked to the neighbors and they don't seem to have any objections to it. We looked at re-zoning this as a C-2P but we are just going to use it for office spaces so we felt, instead of going through that lengthy procedure, it may be better to get a variance on it and at some point in time if we expand it further we would bring everything into an overall zoning classification of all the

properties there. The north side of the creek area we have left as a buffer area.

Mr. Habig asked if there was still one residential home.

Mr. Monday answered correct.

Mr. Galloway asked about access through the existing driveway.

Mr. Monday stated that there was an easement and drive cut over to that site. Most of the traffic is going to get there from the rest of the property. It will only be automobile traffic. It won't be any heavy truck traffic.

Mr. Hall asked how many employees Newport's had at this location.

Mr. Monday answered 24 or 25.

Mr. Habig asked if this was the main headquarters.

Mr. Monday answered yes. There are offices in the central retail building and there are offices in the building to the south. That is where most of the office is but we have additional staff where we need to find space for.

Mr. Hall asked for clarification that the existing offices were not going to move. This is additional office space.

Mr. Monday answered yes.

Mr. Monday stated that they also felt that keeping this as a residential type structure with the adjacent residents without a lot of fan-fair or additional changes would probably be better suited to the neighbors that are still there.

With no further questions from the board... Mr. Ward **moved to move this forward** to the North BZA with a favorable recommendation.

Mr. Galloway seconded.

Mr. Hall stated that he appreciated the fact that they were maintaining a residential atmosphere there. This is still compatible with the commercial designation of the long term out there. I think it's a good move.

With nothing further from the board... Mr. Habig called for the vote. **7 yes votes... 0 no votes.**

The meeting continued with **SBZA-L.U.V.-0004-06-2004** a Land Use Variance. We're passing on a recommendation to the South BZA concerning the use of the property for processing logs into firewood.

Mark Hanna, of 12952 East 196th Street, stated his name and address for the record. There are logs already stored at the back of the property. We've lived there since 1997 and we've been doing the firewood since then. This is the first time the neighbors have really said anything. I know a lot of the neighbors have addressed some issues about this. They don't like the looks of it. They're worried about the heavy trucks running up and down the road. We compared that to school buses and grain trucks. We're not overloading the road. There are no weight limit bridges out there that we're going across. The firewood is hauled in there by numerous tree services. I saw it into logs and then into firewood lengths, split it, and it goes back out. It is not a large scale operation. I use a chain saw and a log splitter just like everybody else does to split wood. Normally we do wood from October to February. Then we stock pile logs and let them season and then start again in the fall.

Mr. Schwartz asked how many trucks come in and out per day.

Mr. Hanna stated... maybe two or three a week.

Mr. Hall asked if the firewood was retail sales; do the individuals come to your house? (2) How do you sell it then? (3) Do you have employees? (4) How has your operation changed? (5) So the balance of it you would either burn it or haul it away?

Mr. Hanna stated that very few people do. (2) Word of mouth. Ads in the newspaper. I have a 16 ft. trailer like the landscapers haul their lawnmowers on. The logs come in 10 ft., 12 ft., 14 ft., and 16 ft. lengths so I only get a little bit of scrape cut off the ends. And there are people I give that to. They'll come and get it. (3) No. It's just me and my family. (4) Since 1997, it has down-sized. (5) I don't burn very much at all. The fire department came in there four years ago and told me I had to burn in a barrel. I give away as much scrape as I can or I haul it down to Creative Landscape and then they re-grind it into compost.

Mr. Schwartz asked how far back off the road the logs were cut.

Mr. Hanna answered... 1,100 feet.

Mr. Habig asked if the property was fenced off. (2) The entire length of the property?

Mr. Hanna answered... it is field fenced off. (2) Not the entire length of the property. From where my barn is to the back. And it's gated, too. I have cattle running back there. They eat the grass and the weeds around there.

Mr. Schwartz asked how long the neighbors had been there.

Mr. Hanna stated they were there before he got there.

Mr. Galloway asked if there was anything there when he bought the property.

Mr. Hanna stated that it was bare farm ground. I work a seasonal job. I get laid off right before Christmas. I don't want to go on un-employment. I don't mind the work. I process the wood and I sell the wood. The firewood keeps me busy until I go back in February. I don't want to live off the system. I am a very hard worker. I'm not wanting to upset the neighbors. I want to address this with the neighbors.

Mr. Rice asked for clarification that Mr. Hanna brought in logs and then you cut them to firewood lengths and then you split them. So other than any trash that comes in with the logs would be whatever sawdust you create.

Mr. Hanna answered exactly. A lot of the sawdust we rake up and use it for bedding since straw is so hard come up with anymore.

Mr. Habig asked about the split wood sitting around that has to cure for a year.

Mr. Hanna stated that he did not have split logs sitting around for a year. I let the logs cure for a year. We usually split as we sell.

Mr. Hall asked about the trucks that bring the logs in.

Mr. Hanna answered... one ton dump trucks up to like a crane truck.

Mr. Galloway asked if they came in two times a week. (2) More in the summer than the winter, I suppose? (3) You only get trees that are in a certain radius around your place. They go someplace else if they are further away.

Mr. Hanna answered... yea, if that. (2) Yea. (3) Right. This wood is not trucked in from southern Indiana or nothing.

Mr. Hall asked if the agreement is you just take what they have. Is that it? (2) If there is a truck load, do you have to take everything on the truck?

Mr. Hanna answered no. Usually the loads come in at 7:30 or 8:00 a.m. and I'm usually home. If it's a load of elm or sycamore or cottonwood... I refuse it. I don't take everything they bring. I like the hard woods. (2) Yes you do. If there is chips or trash or branches and stuff like that... I reject it.

Mr. Habig asked for clarification that Mr. Hanna was only running a couple of chain saws and a log splitter.

Mr. Hanna stated he owned one chain saw, two log splitters, a tractor with a loader on it to move the logs around.

Mr. Kiphart stated that “sawmill” was the closest land use classification he could put it in. It would be an agricultural use if the trees were grown on the site but not when he is bringing them in to process.

Mr. Galloway asked Mr. Hanna about his identifying the wood being sold wholesale. (2) Do they pick it up at your place or is it stock piled at Mr. Musselman’s?

Mr. Hanna stated that the only wholesale he has going on right now is Steve Musselman. (2) It is actually at Mr. Musselman’s. I haul it down there on my trailer.

With nothing from the Board... Mr. Ward **made a motion** to move this forward to the South BZA with a favorable recommendation.

Mr. Galloway seconded.

Mr. Hall stated that the only concern he has is the sightliness of it. His operation, except for volume, doesn’t sound a whole lot more than what the rest of us might be doing at home with a chain saw and there’s no employees

Mr. Galloway stated there is not a lot more activity right there than any farmer going up and down that road. There might be a few more trucks in and out but...

Mr. Ward stated that as far as sightliness... I’ve seen plenty of farmers up and down the roads that have worse places than this.

Mr. Hall stated that it does sound like the operation that he is doing there is certainly a compatible operation with what is going on up there.

After minimal comments... Mr. Habig called for the vote. **7 yes votes... 0 no votes.**

Old Business: None to present.

Director’s Report: Mr. Kiphart advised the board that Charles Hassrick, of the Conversation Design Group, has since left that company. They have a lady, Sarah, who has taken over as project manager. They are wanting to set-up another meeting either June 30 or July 07. They were going to put together the photo session that people were supposed to turn in. This evening I got a proposed questionnaire to

distribute to people to complete and bring to that meeting. They are getting basic information from us on the GIS system. Sounds like she is up-to-date on everything.

What I would like is and I told them... the next time they came we needed to get together, to sit down, and see where they were in the project and where they were heading. I would like some of the plan commission members to be at that meeting.

Mr. Hall stated that he felt we needed to have a meeting with them so we can get acquainted with this lady and find out from them what their commitment is, how much they can fulfill that commitment, and I think we need the reasons why he left. How much of the company philosophy came from Mr. Hassrick? I just don't know. I think before we spend any more time waiting to set up another meeting... we need a clear understanding of what their doing and why he's gone and who's going to support this and how are they going to do it.

Mr. Kiphart stated he was disappointed he wasn't contact immediately. The only way I found out was I was calling Mr. Hassrick to find out about our next meeting and where we were. Through his telephone message... as of that date... it was his last day. I had also hoped that he would call back.

Mr. Schwartz stated that we need to get in touch with the new manager and ask the questions we want asked directly and if they don't meet our qualifications then I think maybe we should set up a meeting with the principals.

Mr. Hall suggested that the board go right to the principals to start with.

Mr. Habig agreed with Mr. Hall's comments.

Mr. Kiphart advised the board he would be on vacation from the 15th through the 22nd.

I have been invited to attend a meeting tomorrow morning of the Hamilton County Progress Committee. One of their concerns is what is happening out in Wayne Township. I keep hearing things about an airport out there. That would be something nice for us and our consultants to know about.

Mr. Habig stated that he didn't know about setting a date for June 30 or July 07. I think we need to put a call in to them and say... hey we don't even want to set a date right now with the way we're feeling with this company. If every thing is in disarray over there I don't want to set the public up and then have to get a hold of them all again because...

Mr. Kiphart stated that the P.U.D. was on the agenda for the county commissioners. Their meeting is June 14th. If they don't take action or do something with it on the 16th it is law.

Legal Counsel Report: Mr. Leerkamp reported that Dr. Neiten and his attorney wanted to meet with Mr. Kiphart and myself one last time but they couldn't meet until June 14.

Mr. Habig stated that the next Plan Commission meeting would be July 13, 2004.

Mr. Hall asked about the budget hearing for this year.

Mr. Kiphart advised the board that there would be no budget hearing this year. Everything will remain the same as this year.

Mr. Rice advised the board that the 2002 census of agriculture county data was released last Thursday. We have the same amount of land in farms that we had five years ago... according to the census.

Mr. Kiphart stated that he was told between 1997 and 2002 we lost 114 acres of farm land.

Mr. Rice stated that it depends on which set of numbers you look at. If you look at that 1997 data as it originally came out... we're dead even. If you look at the adjusted... we lost about 6,000 acres. They changed the way they gathered information on this one so that they asked what the principal county of residence is and where your main operation is and if you have less than 40 % of your operations in another county or state it all counts where you live. So people who are selling off parts of their farm close to the developing areas and then buying large acreages somewhere else than that land in another county counts as being in Hamilton County.

After minimal comments and with nothing further on the agenda... Mr. Habig adjourned the meeting at 8:45 p.m.

Frank Habig III, President

Date

Linda Burdett, Secretary

Date